

**SCOTT LAW FIRM**  
1388 SUTTER STREET, SUITE 715  
SAN FRANCISCO, CA 94109

John Houston Scott (SBN 72578)  
Lizabeth N. de Vries (SBN 227215)

**SCOTT LAW FIRM**

1388 Sutter Street, Suite 715

San Francisco, CA 94109

Tel: (415) 561-9600

Fax: (415) 561-9609

Email: john@scottlawfirm.net

Email: liza@scottlawfirm.net

Chris B. Dolan (SBN 165358)

Anne Casey Costin (SBN 260126)

**DOLAN LAW FIRM**

1438 Market Street

San Francisco, CA 94102

Tel: (415) 421-2800

Fax: (415) 421-2830

Email: chris@cdblaw.com

Email: anne.costin@cdblaw.com

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

KENNETH CARRETHERS

Plaintiff,

v.

BAY AREA RAPID TRANSIT, J.  
MEHSERLE, F. GUANZON, K. SMITH, D.  
HORNER, R. HANEY and DOES 1-25,  
inclusive.

Defendants.

Case No.: 3:09-cv-01101-EMC

**PLAINTIFF'S FINAL WITNESS LIST**

Judge: Hon. Edward M. Chen

Trial: November 21, 2011

As requested by this Court's during in the Final Pretrial Conference Order, Plaintiff

Kenneth Carrethers respectfully submits the following final witness list with *estimates* of  
durations of each witness's testimony. Respectfully submitted,

DATED: November 18, 2011

**SCOTT LAW FIRM**

By:                     //s//                      
LIZABETH N. DE VRIES  
JOHN HOUSTON SCOTT  
Attorneys for Plaintiff

## Plaintiff's Amended Witness List

Witness	Summary of Expected Testimony	<i>Estimated Length of Testimony (direct or cross given 14-hour limit)</i>	<b>BLANK for Court Use</b>
Plaintiff Kenneth Carrethers	Plaintiff Carrethers will testify about his interactions with the Defendants on November 15 and 16, 2008, and regarding the injuries (physical, emotional, and financial) he incurred as a result of Defendants' conduct. Carrethers will testify about the criminal charges brought against him, his incarceration, and regarding the DA's subsequent dismissal of the charges against him due to insufficient evidence. Carrethers will testify about his attempts to file a complaint with BART's Internal Affairs division.	2 hours	
Defendant Johannes Mehserle	Defendant Mehserle will testify about the training he received from POST and BART regarding first amendment rights, arrest techniques, use of force, use of restraints, and report writing and evidence collection. Defendant Mehserle will testify about the interactions he and other Officers had with Plaintiff on November 15 and 16, 2008. Mehserle will testify regarding his decision not to request video from the BART station cameras, his failure to obtain witness statements, and his documentation (or lack thereof) regarding the incident. Mehserle will testify regarding the probable cause declaration he executed.	2.5 hours	
Defendant Sgt. Keith Smith	Defendant Smith will testify about his interactions he and other Officers had with Plaintiff on November 15, 2008. Smith will testify regarding his decision not to request video from the BART station cameras, his failure to obtain witness statements, and his documentation (or lack thereof) regarding the incident.	1.5 hours	
Defendant Ofc. Douglas Horner	Defendant Horner will testify about his interactions he and other Officers had with Plaintiff on November 15, 2008. Horner will testify regarding his decision not to request video from the BART station cameras, his failure to obtain witness statements, and his documentation (or lack thereof) regarding the incident.	1 hours	

SCOTT LAW FIRM  
1388 SUTTER STREET, SUITE 715  
SAN FRANCISCO, CA 94109

Witness	Summary of Expected Testimony	Estimated Length of Testimony (direct or cross given 14-hour limit)	BLANK for Court Use
Defendant Ofc. Robert Haney	Defendant Haney will testify about his interactions he and other Officers had with Plaintiff on November 15, 2008. Haney will testify regarding his decision not to request video from the BART station cameras, his failure to obtain witness statements, and his documentation (or lack thereof) regarding the incident.	1 hours	
Defendant Ofc. Frederick Guanzon	Defendant Guanzon will testify about his interactions he and other Officers had with Plaintiff on November 15, 2008. Guanzon will testify regarding his decision not to request video from the BART station cameras, his failure to obtain witness statements, and his documentation (or lack thereof) regarding the incident.	1.5 hours	
Witness BART Chief Gary Gee	Chief Gee will testify regarding BART's policies and procedures regarding first amendment rights, arrest techniques, use of force, use of restraints, and report writing and evidence collection. Gee will testify regarding the manner in which Internal Affairs handled Plaintiff's attempted complaints. Gee will testify regarding the procedure by which BART Officers forward cases to the DA for prosecution.	1.5 hours	
Witness BART Station Agent Heath Cunningham	Witness Cunningham will testify about the interaction he observed on November 15, 2008 between Plaintiff and Defendants.	1 hour	
Witness BART Station Agent Lila Dinkins	Witness Dinkins will testify about the interaction he observed on November 15, 2008 between Plaintiff and Defendants.	1hour	
Plaintiff's police procedures expert Roger Clark	Expert Clark will testify about the proper procedures for Officers (as trained by POST and BART) regarding first amendment rights, arrest techniques, use of force, use of restraints, and report writing and evidence collection. Expert Clark will opine as to whether Defendants' actions relating to Plaintiff's arrest were in accord with those police procedures.	1.5 hours	

SCOTT LAW FIRM  
1388 SUTTER STREET, SUITE 715  
SAN FRANCISCO, CA 94109

Witness	Summary of Expected Testimony	Estimated Length of Testimony (direct or cross given 14-hour limit)	BLANK for Court Use
Defendants' police procedures expert Jeffrey Martin	Expert Martin will testify about the proper procedures for Officers (as trained by POST and BART) regarding first amendment rights, arrest techniques, use of force, use of restraints, and report writing and evidence collection. Expert Clark will opine as to whether Defendants' actions relating to Plaintiff's arrest were in accord with those police procedures.	1 hours	
Alameda County District Attorney Robert Hartman	Cross examination	.5 hour	
BART Sgt. Eugene Wong	Cross examination	1 hour	
BART Sgt. David Chlebowski	Cross examination	.5 hour	
BART Officer Ichimaru	Cross examination	.5 hour	